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Suite 530
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MEH

[REDACTED]
Feb. 10, 1989

[REDACTED]

Re: Case Number 89021.A

Dear [REDACTED]

This letter is in response to your request for an advisory opinion concerning the Post-employment provisions of the Ethics Ordinance and their potential application to your circumstances. It is our understanding that you wish to terminate your City position as Deputy Corporation Counsel responsible for labor relations matters to accept employment with the firm of [REDACTED] performing transactional services unrelated to labor issues.¹ However, you are presently engaged in preparation of the pending City [REDACTED] package. You alleged that the City could possibly lose \$25,000,000.00 if the project is not completed. You have agreed to complete the project on a Consultant basis. However, the City's Chief Operating Officer, raised concerns regarding the possible Ethics Ordinance post-employment problems, therein, prompting you to request this advisory opinion.

later, you again contacted the Board of Ethics at the request of [REDACTED]. You stated that the Deputy Director of the [REDACTED] section, *Individual A* moved from the City and subsequently terminated his City employment. He left the City during the preparation of the new [REDACTED].

¹ You stated that your original termination date was [REDACTED], the scheduled project completion date. However, due to unforeseen problems the completion date of the project and your termination were delayed to *two months later.* *At that time*, the project was not completed but you terminated your employment with the City.



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package. [REDACTED] also requested a review of his consultant arrangement with the City.

Paragraph B of Section 26.2-10 entitled Post-Employment restrictions states:

(b) No former official or employee shall, for a period of one year after the termination of the official's or employee's term of office or employment, assist or represent any person in any business transaction involving the City or any of its agencies, if the official or employee participated personally and substantially in the subject matter of the transaction during his term of office or employment; provided, that if the official or employee exercised contract management authority with respect to a contract this prohibition shall be permanent as to that contract.

According to this Section, former City employees are prohibited, for one year, from involvement in business transactions with the City if those transactions concern subject matter in which they participated personally and substantially while a City employee. Accordingly, you would be prohibited for one year from providing consulting services concerning any subject matter, or areas of City business, in which you participated personally and substantially while employed by the City. This restriction would prohibit your participation as a consultant in the preparation of the [REDACTED] package. Unfortunately, this per se restriction also limits an employee's ability to complete a City matter, on behalf of the City, for the benefit of the City, after an employee leaves the City. Therefore, in the implementation of the Ordinance the Board developed an exception to the per se post-employment prohibition for Emergency situations, but only when each of the following conditions exist:

1. The employee began work on the subject matter prior to contemplation of terminating his City employment.
2. The project is not ongoing and the projected completion date for the matter is less than 90 days.
3. The employee assists only the City on completion of the matter, i.e. the employee cannot represent or assist a consultant or other corporate entity.

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4. The supervisor or the project administrator attest to the necessity for the individual's continued participation in the matter.
5. The individual's participation in the matter is of benefit to the City and the ongoing project does not conflict with his new employment.
6. The compensation received by the employee is rationally related to the work performed.

You have requested permission to complete one project for the benefit of the City, avoiding a possible loss to the City of \$25,000,000. The anticipated date for the project's completion is [REDACTED].² You began work on the project prior to accepting employment with the firm you are currently employed with. You intend to serve as a consultant, not as a subcontractor, for the City of Chicago. For these reasons, the Board finds that your participation in the completion of the employee benefits package would meet the requirements, stated above, for an emergency exception to the post-employment provisions.³

The Board reviewed the question of *individual A's* participation and suggests that he make a written appeal to the Board for an advisory opinion regarding his personal circumstances.

In conclusion, we appreciate your inquiry and hope that this letter sufficiently addressed your concerns. Please do not hesitate to contact the Board if you have any further questions regarding this or any other matter.

Very truly yours,


S. Brandzel
Chairman

² Your continued participation in the project after this date is subject to Board approval.

³ This decision is conditional you must supply the Board with a letter from the Project Director or the [REDACTED]